

**WAESCHE, SHEINBAUM & O'REGAN, P.C.**  
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**ECF CASE**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**ST SHIPPING AND TRANSPORT INC.,**

**Plaintiff,**

**-against-**

**GOLDEN FLEECE MARITIME INC.,**

**Defendant.**

07 CV 11147 (SAS)

**SUPPLEMENTAL  
DECLARATION**

EDWARD H. MILLS-WEBB declares that the following is true and correct:

1. I am an assistant solicitor in the employ of Clyde & Co. LLP whose office is at 51 Eastcheap, London EC3M 1JP, United Kingdom, and who are the solicitors of ST Shipping and Transport Inc., the Plaintiff in this action. I submit this affirmation in support of Plaintiff's request for the issuance of process of maritime attachment and garnishment against the property of the Defendant, Golden Fleece Maritime Inc., pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure.

2. There is presently pending in London an arbitration between Golden Fleece Maritime Inc. ("Golden Fleece"), as owner of the vessel M/T Elli, and ST Shipping and Transport Inc. ("ST Shipping"), as charterer of this ship. Subject to the supervision of my

principals, I am charged with the matters in this arbitration to which this declaration relates. Save where stated to the contrary, I make this declaration from matters within my own knowledge and experience.

3. The London arbitration concerns disputes between the parties arising under a charterparty of May 30, 2003, by which Golden Fleece chartered the M/T Elli to ST Shipping for a period that eventually went to about September 2006. One of the claims by ST Shipping is that the vessel's speed during the contract period was slower than that warranted by Golden Fleece. Another claim by ST Shipping is that vessel consumed oil (both fuel oil and motor diesel oil, and which are called "bunkers") at a rate greater than that warranted by Golden Fleece. ST Shipping's loss from these breaches of warranties is currently estimated to be about \$280,000.

4. A precise calculation of the claim amount cannot be performed until the deck and engine logbooks for the M/T Elli have been considered for the entire charterparty period. These logbooks have been recently obtained from the Defendant but will take several weeks to consider. However, for the purpose of estimating the amount of the speed and bunker consumption claims, attached as **Exhibit A** is a spreadsheet showing the vessel's speeds and bunker consumptions during the period May 31, 2005, until May 27, 2006. This spreadsheet was largely derived from information already in the Plaintiff's possession, including the Master's reports submitted at the end of each voyage. It shows for the limited period of approximately 12 months the various voyages performed, the oil consumption, steaming times, average speeds, and resulting calculated damages. The Plaintiff believes that any problems concerning the vessel's speed and bunker consumption will apply throughout the entire charter period and the total

amount of the Plaintiff's claim has therefore been estimated by applying the losses sustained between May 31, 2005, until May 27, 2006, to the entire period of the charterparty.

5. Stephenson Harwood, the London solicitors for Golden Fleece, were informed on October 10, 2007, that the provisional claim relating to the speed and bunker consumption of the M/T Elli was at that point estimated to be \$200,000, plus interest and costs. (Based on more recently obtained information, the claim is now estimated at \$280,000.) A demand for security of the claim amount was also made. That demand, however, has been refused; and Golden Fleece disputes the claim. A copy of my fax dated October 10, 2007, is attached as **Exhibit B**.

6. The London arbitration is governed by English law. If successful in the arbitration, ST Shipping will be awarded not only the principal amount of its claim, but also interest at a commercial rate of borrowing, the arbitrators' fees, and an allowance toward the Plaintiff's legal costs. Based on my experience in London arbitrations, I anticipate that the interest, fees, and allowance awarded will total approximately \$100,000.

7. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 20, 2007.

  
EDWARD H. MILLS-WEBB

# EXHIBIT A

PORT #REF!	F.O.A.P	PORT	E.O.S.P	Nature of Voyage	Distance Steamed =< Force 5	Steaming Time	Avg Speed	I/O Actual	MDO Actual	C/P Steaming Time	C/P IFO	C/P MDO	Calculation based on Speed/ Consumption Formula
Huangpu - China #REF!	5/13/2005 16:30	Huangpu - China Fujairah	5/31/2005 8:30	Loaded	2646 Nm	197.50 Hrs	13.40 Knts			203.52 Hrs			13Ks - 39 MT FO
Huangpu - China #REF!	6/4/2005 23:00	Fujairah	6/22/2005 23:00	Ballast	1922 Nm	143.50 Hrs	12.70 Knts			130.14 Hrs			13Ks - 39 MT FO
Tanjung Pelepas #REF!	6/30/2005 20:00	Tanjung Pelepas Singapore	7/15/2005 12:00	Loaded	818 Nm	63.00 Hrs	12.98 Knts			62.92 Hrs			13Ks - 39 MT FO
Tanjung Pelepas #REF!	7/15/2005 6:30	Singapore	7/15/2005 7:00	Loaded	5 Nm	0.50 Hrs	10.60 Knts			0.41 Hrs			12Ks - 34MT IO
Khang Island #REF!	7/16/2005 23:55	Khang Island Ain Sukhna	8/1/2005 0:00	Ballast	1237 Nm	90.50 Hrs	13.67 Knts			88.36 Hrs			14Ks - 37MT FO
Khang Island #REF!	8/3/2005 1:30	Ain Sukhna	8/15/2005 7:30	Loaded	124 Nm	9.50 Hrs	13.05 Knts			9.54 Hrs			13Ks - 39 MT FO
Jebel Dannah #REF!	8/16/2005 13:00	Jebel Dannah Dubai Dry Docks	8/25/2005 17:30	Ballast	1453 Nm	101.50 Hrs	14.32 Knts			103.79 Hrs			14Ks - 37MT FO
Dubai #REF!	8/30/2005 18:30	Dubai Dry Docks	8/30/2005 21:30	Ballast	26 Nm	2.00 Hrs	13.00 Knts			1.86 Hrs			13Ks - 39 MT FO
Jebel Dannah #REF!	9/22/2005 10:30	Jebel Dannah Fujairah	9/22/2005 23:30	Ballast	167 Nm	13.00 Hrs	12.85 Knts			11.93 Hrs			13Ks - 39 MT FO
Jebel Dannah #REF!	9/24/2005 0:30	Jebel Dannah Jeddah	9/25/2005 7:00	Loaded	119 Nm	9.00 Hrs	13.22 Knts			9.15 Hrs			13Ks - 39 MT FO
Jeddah #REF!	10/6/2005 9:00	Jeddah	10/15/2005 7:00	Ballast	43 Nm	3.00 Hrs	14.33 Knts			3.07 Hrs			14Ks - 37MT FO
Wadi Perlan #REF!	10/19/2005 6:30	Wadi Perlan Sikka	10/18/2005 1:00	Ballast	77 Nm	5.50 Hrs	14.00 Knts			5.50 Hrs			14Ks - 37MT FO
Wadi Perlan #REF!	10/22/2005 14:00	Sikka	11/7/2005 0:00	Loaded	497 Nm	37.00 Hrs	13.27 Knts			37.77 Hrs			13Ks - 39 MT FO
Ras Tanura #REF!	11/2/2005 8:30	Ras Tanura Fujairah	11/5/2005 17:00	Ballast	823 Nm	58.00 Hrs	14.19 Knts			58.79 Hrs			14Ks - 37MT FO
Zirku Island #REF!	12/1/2005 9:00	Zirku Island Karachi	12/17/2005 9:29	Ballast	397 Nm	27.00 Hrs	13.59 Knts			26.21 Hrs			14Ks - 37MT FO
Zirku Island #REF!	12/18/2005 3:47	Zirku Island Karachi	12/21/2005 1:30	Loaded	880 Nm	63.00 Hrs	13.97 Knts			62.86 Hrs			14Ks - 37MT FO
Karachi #REF!	12/24/2005 13:00	Karachi Fujairah	12/27/2005 4:00	Ballast	180 Nm	13.50 Hrs	13.33 Knts			13.85 Hrs			13Ks - 39 MT FO
Karachi #REF!	12/30/2005 16:28	Karachi Fujairah	1/1/2006 16:59	Loaded	693 Nm	48.00 Hrs	14.23 Knts			48.79 Hrs			14Ks - 37MT FO
Karachi #REF!	1/4/2006 9:30	Karachi Fujairah	1/6/2006 6:00	Ballast	35 Nm	2.50 Hrs	14.00 Knts			2.50 Hrs			13Ks - 39 MT FO
Khor Fakkan #REF!	1/14/2006 0:30	Khor Fakkan Shualba	2/2/2006 19:30	Ballast	160 Nm	11.50 Hrs	13.91 Knts			11.43 Hrs			14Ks - 37MT FO
Mina Al Ahmadi #REF!	2/1/2006 0:30	Mina Al Ahmadi Fujairah	1/9/2006 21:00	Loaded	296 Nm	24.00 Hrs	12.35 Knts			22.80 Hrs			12Ks - 28MT IO
Fujairah #REF!	2/11/2006 19:00	New Mangalore Banana	2/16/2006 7:30	Loaded	1155 Nm	91.00 Hrs	12.69 Knts			88.85 Hrs			13Ks - 39 MT FO
New Mangalore #REF!	2/19/2006 9:00	New Mangalore Banana	3/13/2006 14:30	Loaded	3213 Nm	254.00 Hrs	12.65 Knts			247.15 Hrs			13Ks - 39 MT FO
Banana #REF!	3/20/2006 19:00	Banana Lagos	3/24/2006 15:30	Loaded	715 Nm	62.00 Hrs	12.50 Knts			59.62 Hrs			13Ks - 39 MT FO
Lagos #REF!	3/27/2006 19:00	Lagos Cape Town	4/5/2006 15:30	Ballast	705 Nm	57.50 Hrs	12.28 Knts			50.43 Hrs			12Ks - 34MT IO
Cape Town #REF!	4/9/2006 14:35	Cape Town Fujairah	4/24/2006 11:30	Ballast	3593 Nm	320.50 Hrs	11.21 Knts			256.63 Hrs			13Ks - 39 MT FO
Fujairah #REF!	4/24/2006 23:00	Fujairah	4/26/2006 9:00	Ballast	431 Nm	35.00 Hrs	12.31 Knts			30.79 Hrs			12Ks - 28MT FO
Bahrain #REF!	4/29/2006 20:30	Khor Fakkan Aden	5/7/2006 7:00	Loaded	406 Nm	34.50 Hrs	11.77 Knts			31.23 Hrs			12Ks - 28MT FO
Khor Fakkan #REF!	5/7/2006 12:00	Aden	5/6/2006 16:00	Loaded	557 Nm	48.00 Hrs	11.60 Knts			42.85 Hrs			12Ks - 34MT IO
Aden #REF!	5/19/2006 20:00	Fujairah	5/24/2006 9:00	Ballast	682 Nm	52.00 Hrs	13.12 Knts			48.71 Hrs			12Ks - 34MT IO
Fujairah #REF!	5/25/2006 21:00	Bahrain	5/27/2006 7:00	Ballast	418 Nm	33.50 Hrs	12.48 Knts			29.86 Hrs			12Ks - 34MT IO
					24454 Nm	1,916.00 Hrs	13.02 Knts			1,806.36 Hrs			
								000.00 Mt	000.00 Mt		000.00 Mt	000.00 Mt	

CONSUMPTIONS UP TO AND INCLUDING BEAUFORT FORCE 5

CHARTER PARTY EQUIVALENT I CP RATES PER DAY

ALLOWED CP Steaming Time - 1,806.36 Hrs  
 ACTUAL Steaming Time - 1,916.00 Hrs  
 ADDITIONAL STEAM TIME: 109.64 Hrs

KEY TO SPREADSHEET COLOURS

BLACK - Indicates steaming declared as non-adverse (F5 &amp; below)

PORT	F.O.A.P	PORT	E.O.S.P	Nature of Voyage	Distance Steamed = Force 5	Steaming Time	Avg Speed	I/O Actual	MDO Actual	C/P Steaming Time	C/P I/O	C/P MDO	Calculation based on Speed/Consumption Formula
Huangpu - China #REF!	5/12/2005 16:30	Huangpu - China	5/31/2005 8:30	Loaded	2646 Nm	197.50 Hrs	13.40 Knts	335.20 MI	029.90 MI	203.52 Hrs	330.73 MI	030.53 MI	13Kts - 39 MT FO
Tanjung Pelepas #REF!	6/30/2005 23:00	Tanjung Pelepas	6/22/2005 23:00	Ballast	1822 Nm	143.50 Hrs	12.70 Knts	198.70 MI	024.80 MI	130.14 Hrs	200.64 MI	019.52 MI	14Kts - 37MT FO
Singapore	7/15/2005 6:30	Singapore	7/13/2005 12:00	Loaded	818 Nm	63.00 Hrs	12.98 Knts	087.60 MI	009.30 MI	62.92 Hrs	102.25 MI	008.44 MI	13Kts - 39 MT FO
Khang Island	7/16/2005 23:55	Khang Island	8/1/2005 0:00	Loaded	5 Nm	0.50 Hrs	10.60 Knts	001.00 MI	000.10 MI	0.41 Hrs	000.66 MI	000.06 MI	13Kts - 39 MT FO
Aln Sukhna	8/3/2005 1:30	Aln Sukhna	8/15/2005 7:30	Loaded	1237 Nm	90.50 Hrs	13.67 Knts	121.70 MI	013.50 MI	88.36 Hrs	136.22 MI	013.25 MI	14Kts - 37MT FO
Jebel Damrah	8/16/2005 13:00	Jebel Damrah	8/25/2005 17:30	Loaded	1453 Nm	9.50 Hrs	13.05 Knts	014.20 MI	001.40 MI	9.54 Hrs	015.50 MI	001.43 MI	13Kts - 39 MT FO
Dubai	8/30/2005 19:30	Dubai Dry Docks	8/30/2005 21:30	Ballast	26 Nm	2.00 Hrs	13.00 Knts	045.00 MI	015.20 MI	103.78 Hrs	160.00 MI	015.57 MI	14Kts - 37MT FO
Jebel Damrah #REF!	9/22/2005 10:30	Jebel Damrah	9/22/2005 23:30	Ballast	167 Nm	13.00 Hrs	12.85 Knts	022.20 MI	000.00 MI	1.86 Hrs	002.85 MI	000.28 MI	14Kts - 37MT FO
Jebel Damrah	9/24/2005 0:30	Jebel Damrah	9/25/2005 7:00	Loaded	119 Nm	9.00 Hrs	13.22 Knts	021.10 MI	001.90 MI	11.93 Hrs	018.39 MI	001.79 MI	14Kts - 37MT FO
Jeddah	10/6/2005 9:00	Jeddah	10/16/2005 1:00	Loaded	43 Nm	3.00 Hrs	14.33 Knts	004.40 MI	001.40 MI	3.07 Hrs	014.88 MI	001.37 MI	13Kts - 39 MT FO
Wadi Faran	10/22/2005 14:00	Wadi Faran	11/1/2005 0:00	Loaded	77 Nm	5.50 Hrs	14.00 Knts	008.20 MI	000.80 MI	5.50 Hrs	008.48 MI	000.83 MI	14Kts - 37MT FO
Sikka	11/2/2005 8:30	Ras Tanura	11/5/2005 13:00	Ballast	823 Nm	37.00 Hrs	13.27 Knts	051.90 MI	005.60 MI	37.77 Hrs	061.38 MI	005.67 MI	13Kts - 39 MT FO
Zinku Island	12/14/2005 19:30	Zinku Island	12/17/2005 9:29	Ballast	367 Nm	58.00 Hrs	14.19 Knts	091.10 MI	008.60 MI	58.79 Hrs	090.63 MI	008.82 MI	14Kts - 37MT FO
Karachi	12/18/2005 3:47	Karachi	12/21/2005 1:30	Loaded	180 Nm	63.00 Hrs	13.87 Knts	040.50 MI	004.10 MI	26.21 Hrs	040.41 MI	003.93 MI	14Kts - 37MT FO
Karachi	12/24/2005 13:00	Zinku Island	12/27/2005 4:00	Ballast	663 Nm	13.50 Hrs	13.33 Knts	021.50 MI	009.50 MI	62.86 Hrs	095.90 MI	009.43 MI	14Kts - 37MT FO
Karachi	12/30/2005 16:29	Karachi	1/1/2006 16:59	Loaded	35 Nm	48.00 Hrs	14.23 Knts	073.50 MI	007.30 MI	13.85 Hrs	022.50 MI	002.05 MI	13Kts - 39 MT FO
Khor Fakken	1/4/2006 9:30	Fujairah	1/6/2006 6:00	Ballast	160 Nm	2.50 Hrs	14.00 Knts	003.70 MI	000.80 MI	46.79 Hrs	075.21 MI	007.32 MI	14Kts - 37MT FO
	2/1/2006 0:30	Shualba	2/2/2006 19:30	Ballast	12222 Nm	11.50 Hrs	13.91 Knts	016.90 MI	001.70 MI	2.50 Hrs	003.85 MI	000.39 MI	13Kts - 39 MT FO
						904.00 Hrs	13.42 Knts	1369.40 MI	139.00 MI	897.45 Hrs	1412.09 MI	001.71 MI	14Kts - 37MT FO

CONSUMPTIONS UP TO AND INCLUDING BEAUFORT FORCE 5  
CHARTER PARTY EQUIVALENT I/O RATES PER DAY

KEY TO SPREADSHEET COLOURS	
BLACK	- Indicates steaming declared as non-adverse (F5 & below)

ALLOWED CP CONSUMPTION -  
ACTUAL CONSUMPTION -  
ADDITIONAL BUNKERS:

I/O  
1412.09 MI  
1369.40 MI  
-42.69 MI

MDO  
134.82 MI  
139.00 MI  
4.38 MI

# EXHIBIT B

**FAX TRANSMISSION****CLYDE & Co**

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 PIRAEUS RIO DE JANEIRO SHANGHAI SINGAPORE ST PETERSBURG\* Clyde & Co LLP offices and associated \* offices

TO Stephenson Harwood

FAX NO 020 7003 8505

ATTN Duncan McDonald/Caroline Cartwright

YOUR REF 1020 - 46-00124

OUR REF EHMW/BEK/0515701

DATE 10 October 2007

TOTAL PAGES (including cover) 2

**"FRIXOS" / "ELLI" – Arbitration Proceedings**

We refer to your fax dated 21 September 2007. Charterers' counterclaims in respect of the performance of the vessels during the period of the charterparties have every chance of success and the suggestion that these matters should be postponed pending determination of Owners' appeal of the decision of Cooke J is rejected.

With respect, Charterers have been attempting to clarify these matters with Owners since March 2007 and Owners have consistently failed to provide the documents requested from Owners, as ordered by the Tribunal to be given by 20 April 2007. There is no excuse for this delay and please now provide the documents.

In order to set the record straight, John Kearsey made no comments whatsoever on the performance of the vessels in his expert reports. The suggestion that the actual performance of the vessels would need to be taken into consideration was only raised by Owners after the commencement of the trial and no proper evidence of the vessels' actual performance issues was before the Court. The suggestion that Charterers have already been compensated for any underperformance is therefore wrong.

Lastly, Charterers are entitled to security for their speed and performance claims and shall take necessary steps to obtain security if none is volunteered by the Owners. The current estimate for the performance claims is US\$500,000 in respect of FRIXOS and US\$200,000 in respect of ELLI, with interest and costs to be added. However, these figures may need to be revised once Owners provide copies of the logbooks, as ordered by the Tribunal.

We understand that FRIXOS recently loaded a cargo and is currently heading eastwards. Please confirm that Owners will provide security in the amount of US\$500,000 plus interest and costs by

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way of London bank guarantee or P&I Club LOU by close of business on 16 October 2007, otherwise we must reserve all Charterers' rights to obtain security by other means.

Regards,

**Ben Knowles / Ed Mills-Webb**  
**CLYDE&CO**